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Question of the Falkland Islands (Malvinas)

Letter dated 3 December 2008 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions from my Government, I have the honour to refer to the letter dated 10 November 2008 from the Permanent Representative of Argentina addressed to you (A/63/542), transmitting the text of a press release issued by the Argentine Ministry of Foreign Affairs, International Trade and Worship (annex I) and the text of a diplomatic note sent by the Argentine Government to my Government via the British Embassy in Buenos Aires (annex II).

The United Kingdom of Great Britain and Northern Ireland firmly rejects the assertion that the Falkland Islands Constitution Order 2008 is contrary, either in practice or in spirit, to any aspect of the Joint Statements agreed between the United Kingdom and Argentina. The formula on sovereignty agreed by both Governments as part of the Joint Statements was designed to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries' positions on the sovereignty of the Falkland Islands. The sovereignty formula was designed to enable practical cooperation in the South Atlantic and to facilitate confidence-building. Neither of the Joint Statements agreed between the United Kingdom and Argentina makes any reference to negotiations on sovereignty.

The United Kingdom of Great Britain and Northern Ireland also firmly rejects the assertion that the Falkland Islands Constitution Order 2008 contravenes any United Nations General Assembly resolutions.

The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the Falkland Islands Constitution Order 2008. The new Constitution accurately reflects the constitutional relationship between the Falkland Islands and the United Kingdom, as well as formally establishes a greater degree of internal self-government. It enhances local democracy while sufficient powers are retained by the Government of the United Kingdom to meet its international obligations and ensure the overall good government of the territory.

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The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. In contributing to and agreeing on their new Constitution, the Falkland Islanders have reaffirmed their wish to maintain their status as a British Overseas Territory.

I should be grateful if you could circulate the text of the present letter as a document of the General Assembly under agenda item 23.

(*Signed*) John **Sawers**